

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAY V. YUNIK,

Petitioner,

v.

MICHAEL HARLOW, et al.,

Respondents.

Civil Action No. 08-304 Erie

**MEMORANDUM ORDER**

This petition for writ of habeas corpus was received by the Clerk of Court on November 3, 2008 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation [5], filed on November 18, 2008, recommends that the Petitioner's motion for leave to proceed *in forma pauperis* [1] be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at SCI Mercer, where he is incarcerated. Objections were filed by Petitioner on November 28, 2008 [7]. After de novo review of the petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 22<sup>nd</sup> day of January, 2009;

IT IS HEREBY ORDERED that the Petitioner's motion for leave to proceed *in forma pauperis* [1] is DENIED.

The Report and Recommendation of Chief Magistrate Judge Baxter [5], dated November 18, 2008, is adopted as the opinion of the Court.

/s/ Sean J. McLaughlin  
SEAN J. McLAUGHLIN  
United States District Judge

cm: All parties of record.  
Chief U.S. Magistrate Judge Susan Paradise Baxter